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Atty Dkt.: 39-252 Date: July 19, 2004

To: Examiner Peselev, E. - Group: 1623

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Mary J. Wilson
Mary J. Wilson

**ATTACHMENT/S: OFFICIAL REQUEST FOR CONTINUED EXAMINATION
(RCE) TRANSMITTAL, AMENDMENT UNDER RULE 116
WITH 2 DECLARATIONS**

MESSAGE:

In re PATENT APPLICATION OF:

BARBER et al
Serial No.: 10/018,467
Filed: April 4, 2002
For: ANTIBIOTIC AGENTS

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Modified PTO/SB/50 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1996
See The American Inventors Protection Act of 1989 (AIPA).

Application Number	10/018,467
Filing Date	April 4, 2002
First Named Inventor	BARBER
Group Art Unit	1623
Examiner Name	Peselev, E.
Attorney Docket Number	39-252

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment Under Rule 116/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other One Declaration by Dr. Barber and One Declaration by Drs. Barber and Mordt

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees: The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ Applicant claims "small entity" status.
- b. ☒ Fees to be debited are calculated below:
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) \$ 770.00
- ii. ☒ Petition is made to extend the due date 3 months (less _____ months previously paid) \$ 950.00
- iii. ☐ Other _____ \$ _____
- c. ☐ Check in the amount of \$ _____ enclosed
- d. ☐ Payment by credit card (Form PTO-2038 enclosed)
- e. ☒ The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. 14-1140

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Mary J. Wilson	Registration No. (Attorney/Agent)	32,955
Signature	Mary J. Wilson	Date	July 19, 2004

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Signature	Mary J. Wilson
Date	July 19, 2004

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	Filing Date	April 4, 2002
	First Named Inventor	BARBER
	Group Art Unit	1623
	Examiner Name	Peselev, E.
	Attorney Docket Number	39-252

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 (Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
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- b. ☒ Enclosed
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BARBER et al

Atty. Ref.: 39-252; Confirmation No. 8122

Appl. No. 10/018,467

TC/A.U. 1623

Filed: April 4, 2002

Examiner: Peselev, E.

For: ANTIBIOTIC AGENTS

* * * * *

July 19, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER RULE 116

This is in response to the Office Action dated October 16, 2003, in the above, a Notice of Appeal having been filed February 17, 2004, and the required petition and fee being submitted herewith. Kindly amend this application as follows.